

UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF NEW YORK

MARTÍN JONATHAN BATALLA VIDAL,
ANTONIO ALARCÓN, ELIANA FERNANDEZ,
CARLOS VARGAS, CAROLINA FUNG FENG,
M.B.F., by her next friend LUCIA FELIZ,
XIMENA ZAMORA, SONIA MOLINA
and JOHANA LARIOS SAINZ,

Case No. 1:16-cv-04756 (NGG)(JO)

[PROPOSED] ORDER

On behalf of themselves and all other
similarly situated individuals,

and MAKE THE ROAD NEW YORK,

On behalf of itself, its members, and its
clients,

Plaintiffs,

v.

CHAD WOLF, in his official capacity as the
purported Acting Secretary of Homeland Security,
et al.,

Defendants.

**[PROPOSED] ORDER GRANTING PLAINTIFFS' MOTION FOR CLASS
CERTIFICATION**

The Court, having considered Plaintiffs' Motion for Class Certification and the
declarations submitted in support thereof, orders as follows:

Pursuant to Rule 23(a) and (b)(2), the Court **CERTIFIES** the following classes:

(1) A "DACA Class" (for the claims challenging the appointment of Defendant Wolf and
the legality of the 2020 Wolf Memorandum and its implementing guidance, including the
Edlow Memorandum): All persons who are or will be *prima facie* eligible for deferred
action under the terms of the 2012 Napolitano Memorandum; and

(2) A “Pending Applications Subclass” (for the claims challenging the application of the 2020 Wolf Memorandum and its implementing guidance, including the Edlow Memorandum, to certain DACA applications): All persons who had an application for deferred action through DACA, whether an initial or renewal, pending at USCIS on any date between June 30, 2020, and July 28, 2020, that have not been or will not be adjudicated in accordance with the 2012 Napolitano Memorandum.

Excluded from the DACA Class and the Pending Applications Subclass are the individuals who are *prima facie* eligible for deferred action through DACA and who bring a federal lawsuit challenging the Wolf Memorandum.

The Court **APPOINTS** Plaintiffs Martín Batalla Vidal, Antonio Alarcón, Eliana Fernandez, Carolina Fung Feng, Carlos Vargas, Johana Larios Sainz, Sonia Molina, Ximena Zamora, and M.B.F. as class representatives for the DACA Class.

Further, the Court **APPOINTS** Plaintiffs Johana Larios Sainz, Sonia Molina, and M.B.F. as class representatives for the Pending Applications Subclass.

Pursuant to Rule 23(g), the Court **APPOINTS** the National Immigration Law Center, Jerome N. Frank Legal Services Organization at Yale Law School, and Make the Road New York as Class counsel.

SO ORDERED.

Dated: Brooklyn, New York
_____, 2020

NICHOLAS G. GARAUFIS
United States District Judge